

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Keewon D. Degraffenreid,	)	C/A No.: 1:11-481-JMC-SVH
	)	
Petitioner,	)	
	)	
vs.	)	
	)	REPORT AND RECOMMENDATION
AJ Padula, Warden of Lee Correctional	)	
Institution,	)	
	)	
Respondent.	)	
	)	

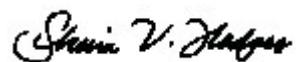
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Petitioner, proceeding pro se, brought this action pursuant to 28 U.S.C. § 2254. Respondent filed a motion for summary judgment on July 15, 2011. [Entry #24]. As Petitioner is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), on July 18, 2011, advising him of the importance of a motion for summary judgment and of the need for him to file an adequate response. [Entry #25]. Petitioner was specifically advised that if he failed to respond adequately, Respondent's motion may be granted, thereby ending this case. Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Petitioner failed to respond to the motion.

On August 23, 2011, the court ordered Petitioner to advise whether he wished to continue with the case by September 6, 2011. [Entry #31]. Petitioner filed no response. Therefore, on September 7, 2011, the undersigned issued a Report and Recommendation recommending this case be dismissed for failure to prosecute. [Entry #35] On September 8, 2011, the Clerk of Court received and docketed a request for an extension from

Petitioner. [Entry #37]. On September 13, 2011, the undersigned vacated the Report and Recommendation and granted Petitioner's extension request. [Entry #38]. Petitioner was instructed to respond to the motion for summary judgment by October 13, 2011 and was advised that no further extensions would be granted absent exceptional circumstances. *Id.* Petitioner has failed to respond to Respondent's motion. Additionally, the court's September 13, 2011 order was returned to the Clerk of Court's office marked "unclaimed." [Entry #44]. As such, it appears to the court that Petitioner does not oppose the motion and wishes to abandon this action. Based on the foregoing, the undersigned recommends this action be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.



October 17, 2011  
Florence, South Carolina

Shiva V. Hodges  
United States Magistrate Judge